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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,942	06/08/2001	Charles A. Porter	28310-8005.US	9076

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EXAMINER	
BASHORE, WILLIAM L	
ART UNIT	**PAPER NUMBER**
2175	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/876,942	PORTER ET AL.	
	Examiner	Art Unit	
	WILLIAM L. BASHORE	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/08, 9/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Administrative Remand to Examiner, mailed 1/23/2009. Prosecution is hereby reopened. The rejection of claims 13-14 under 35 U.S.C. 101 has been withdrawn as necessitated by amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs (US 6225995, filed Oct 21, 1997), in view of Eyal (US 6389467, filed May 2, 2000, as cited in an IDS), further in view of Call (US 6418441, filed Jul 2000).

Regarding independent claims 1, 11, and 13, Jacobs teaches *adding said associated metadata to said original metadata in said database.* The Examiner characterizes the claimed invention as modifying metadata that is already stored in the database. For example, Jacobs discloses a method for incorporating state information into a URL where the transaction manager sends a commit request to database server and for causing to cause changes in response to various browser requests to be committed in the database (col 27, line 65 – col 28, line 3), using the previously stored metadata (col 28, lines 26-29). Since the database already contains metadata, the new data that causes change in the database is interpreted as adding onto the already existing data in the database.

Jacobs teaches *analyzing each field of said plurality of fields of said URI associated with a file; identifying metadata that is associated with said each analyzed field; and adding said associated metadata to original metadata in said database.* For example, Jacobs discloses a URI portion that includes transaction state information and cartridge engine information, which is used to identify the state of multiple-request transactions, the metadata

associated with the browser request, where upon receiving the browser request, the dispatcher forwards the URI information to the virtual path manager to locate a pointer to a cartridge associated with the browser request and then send a revised browser message to the cartridge instance (col 21, lines 40- col 22, line 15). The Examiner interprets Jacobs' URI portions transaction and cartridge as equivalent to the claimed metadata fields. The Examiner interprets the revision of the browser message as equivalent to the metadata that is added to the associated original metadata because the dispatcher revises the browser upon locating more information that is associated with the cartridge.

Jacobs does not expressly teach *maintaining in a database original metadata associated with streaming media file*, but Eyal does teach this limitation. For example, Eyal discloses streaming media playback system of media resources located by multiple network addresses with a database of addresses, where each address locates a media network resource on the network (col 2, lines 9-15) and metadata extraction module accesses for each link to extract metadata about the identified media link (col 6, lines 3-10).

Jacobs in view of Eyal does not expressly teach *determine if an association exists between said each field and predetermined set of metadata, said predetermined sets of metadata comprising metadata*, but Call does suggest it. For example, Call discloses, in a method for disseminating information via the internet, using universal product codes with a URL table allowing a web search engine can perform web crawler indexing of the websites specified by the listed IP address (Examiner interprets IP address as equivalent to URI based on the appellant's specification), thereby generating an index to items in the table (Examiner interprets the customer and product information as metadata)(col 9, lines 30-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include streaming media playback on a network where the metadata extraction module accesses for each link to extract metadata about the identified media link as taught by Eyal, providing the benefit of providing streaming media on the internet reliably when the number of users accessing the site become congested (Eyal, col 2, lines 15-48), further to include placing IP address in an indexable database table such that can be searched by a web crawler as taught by Call, providing the benefit of a method for transferring request for specific information to preferred sources of the information on the Internet (Call, col 1, lines 3-35).

Regarding claim 2, Jacobs does not teach, but Eyal teaches "reorganizing said plurality of fields of said URL to provide a reorganized plurality of fields, wherein said step of analyzing each field comprises analyzing each field of said reorganized plurality of fields. For example, Eyal discloses a method to organize media clips according to an order, listed together or listed before less preferred clip (col 29, lines 40-57). The Examiner interprets this ordering as equivalent to the claimed reorganized fields.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include organizing media clips as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

Regarding claim 5, Jacobs does not expressly teach, but Eyal teaches analyzing each field comprises analyzing each field in contiguous field order until no associated metadata is identified for a field. For example, Eyal discloses determine if structure is empty. Continue parsing until empty (col 22, lines 18-66).

Jacob does not teach, but Eyal teaches adding said associated metadata fields for which associated metadata has been identified. For example, Eyal discloses updating the rating field for the media recording (col 30, lines 52-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include continuing parsing until the structure is empty and updating the rating field for media as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

Regarding claim 6, Jacobs teaches adding a contents of said field for which no associated metadata was identified to said original metadata in said database. For example, Eyal discloses a server that initiates an operation to incorporate information to the URL (col 2, line 55 – col 3, line 20).

Regarding claims 7, 12, and 14, Jacobs teaches replacing each connecting character in said contents with a space for providing a plurality of terms; adding said plurality of terms to said original metadata in said database.

The Examiner characterizes this limitation as modifying metadata that is already stored in the database. For example, Jacobs discloses a server that extracts information from the URL and uploads information into a URL (col 3, lines 5-22) and causes changes in response to various browser requests to be committed in the database (col 27, line 65 – col 28, line 3), using the previously stored metadata (col 28, lines 26-29). Since the database already contains metadata, the new data that causes change in the database is interpreted as adding onto the already existing data in the database.

Regarding claim 8, Jacobs does not teach, but Eyal teaches elements related to at least one of content of the media. For example, Eyal discloses a media from the network (col 1, lines 50-67; summary).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include media from the network as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

Regarding claim 9, Jacobs does not teach but Eyal teaches media comprises multimedia. For example, Eyal discloses multimedia (col 13, line 47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include multimedia as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs (as cited above), in view of Eyal (as cited above) and Call (as cited above), further in view of Gabriel (US 6584468, filed Sep 29, 2000, Application No 09675594).

Regarding claim 3, Jacobs in view of Eyal and Call does not teach, but Gabriel teaches reorganizing said plurality of fields in reverse order. For example, Gabriel discloses a ranking and selection process that could be reversed (col 6, lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs in view of Eyal and Call to include reverse the ranking process as taught by Gabriel, providing the benefit of indexing network information with searches for files of information relevant to people and resources using weighted links (Gabriel, Abstract section).

Response to Argument

The following is responsive to Applicant's appeal brief filed 5/2/2007 and reply briefs filed 10/18/2007 and 2/13/2008.

Regarding claims 1, 2, 5-10, 11, 12, The Appellant argues that the cited references (Jacob, Eyal and Call) fail to suggest (1) analyzing each field of said plurality of fields of said URI associated with said streaming media file to determine if an association exists between said each field and predetermined sets of metadata, (2) identifying metadata that is associated with said analyzed field, and (3) adding said associated metadata to said original metadata in said database (see Appeal Brief, pages 8-11; and bottom of page 15 – top of page 16). Additionally, the Appellant argues the motivation to combine the cited references Jacobs, Eyal and Call.

The Examiner respectfully disagrees because the combination of the cited references, Jacob, Eyal and Call when viewed in their entirity, disclose or suggest the claimed invention.

First, The Examiner equates the claimed "URI" (Universal Resource Indicator) to a "URL" (Uniform Resource Locator) because the Appellant's specification says that a URL is a form of a URI that expresses an address that maps to an access algorithm using a network protocol (see specification, page 11, lines 25-26).

The Examiner characterizes the claimed invention as modifying metadata that is already stored in the database.

Jacobs teaches the claim limitation of *analyzing each field of said plurality of fields of said URI associated with a file; identifying metadata that is associated with said each analyzed field; and adding said associated metadata to original metadata in said database*. For example, Jacobs discloses a URI portion that includes transaction state information and cartridge engine information, which is used to identify the state of multiple-request transactions, the metadata associated with the browser request is forwarded by the dispatcher that forwards the URI information, upon receiving the browser request, to the virtual path manager to locate a pointer to a cartridge associated with the browser request and then send a revised browser message to the cartridge instance (col 21, lines 40- col 22, line 15). Additionally, Jacob's discloses identifying previously stored metadata for a transaction associated with the revised browser message associated with a commit transaction URI (col 26, lines 44-48).

The Examiner interprets Jacobs' URI portions transaction and cartridge as equivalent to the claimed metadata fields. The Examiner interprets Jacobs' disclosure of the revision of the browser message as equivalent to the claimed metadata that is added to the associated original metadata because the dispatcher revises the browser upon locating more information that is associated with the cartridge and adds data if needed.

Jacobs in view of Eyal does not expressly teach the claimed limitation of *determine if an association exists between said each field and predetermined set of metadata, said predetermined sets of metadata comprising metadata*, but Call does suggest it. For example, Call discloses, in a method for disseminating information via the internet, using universal product codes with a URL table allowing a web search engine can perform web crawler indexing of the websites specified by the listed IP address (see Appellant's specification in paragraph 34, which says that an IP address as equivalent to URI), thereby generating an index to items in the table (Examiner interprets the customer and product information as metadata)(col 9, lines 30-35).

Jacobs teaches the claimed limitation of *adding said associated metadata to said original metadata in said database*. The Examiner characterizes this limitation as modifying metadata that is already stored in the database. For example, Jacobs discloses a method for incorporating state information into a URL where the transaction manager sends a commit request to database server and to cause changes in response to various browser requests to be committed in the database (col 27, line 65 – col 28, line 3), using the previously stored metadata (col 28, lines 26-

29). Since the database already contains metadata, the new data that causes change in the database is interpreted as adding onto the already existing data in the database.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Jacobs teaching of URI and reorganizing it to include streaming media playback on a network where the metadata extraction module accesses for each link to extract metadata about the identified media link that are relating to streaming medial files and reordering them as taught by Eyal, providing the benefit of providing streaming media on the internet reliably when the number of users accessing the site become congested (Eyal, col 2, lines 15-48), further to include placing IP address in an indexable database table such that can be searched by a web crawler as taught by Call, providing the benefit of a method for transferring request for specific information to preferred sources of the information on the Internet (Call, col 1, lines 3-35). Each of the references, Jacobs, Eyal and Call, does teach databases using codes and/or network addresses to access data.

The Appellant argues that Eyal fails to teach reorganizing the fields in a URI (see Brief, page 14).

The Examiner respectfully disagrees. Specifically, Eyal teaches adding the URL (and metadata) of the selected medial clip to store, where the user can change the order of the play-list stored on the network server and accessed using the medial location and playback module (col 31, line 65 – col 2, line 25). The examiner interpret reordering of the play-list as equivalent to reorganizing the fields because reordering of data organized data in a different manner and Eyal teaches doing this reordering process for URL (and related metadata).

Regarding claims 1, 2, 5-12, Appellant argues that there is no suggestion to combine Jacobs, Eyal and Call to disclose the elements recited by claims 1, 2, 5-12 and 18-21, rather, Jacobs expressly teaches away from incorporating database tables for maintaining state information associated with the multiple-request operations (see Brief, pages 14-15).

The Examiner respectfully disagrees because the references do not teach away from the claimed invention. The claims are silent about incorporating database tables. The Examiner characterizes the claimed invention as

modification of metadata that is already stored in the database. Accordingly, the combination of references, Jacobs, Eyal and Call teach this characterization. Specifically, Jacob's discloses identifying previously stored metadata for a transaction associated with the revised browser message associated with a commit transaction URI (Jacobs, col 26, lines 44-48) using previously stored metadata. Eyal discloses a database for storing metadata associated with streaming media links (Eyal, col 6, lines 4-10) and Call teaches using universal product codes with a URL table allowing a web search engine that can perform web crawler indexing of the websites specified by the listed IP address (Examiner interprets IP address as equivalent to URI based on the appellant's specification, paragraph 34), thereby generating an index to items in the table. All three references are combinable because they teach a database accessible via network (ie., internet) for providing information through the use of a accessing data using a locator or identification.

Regarding claim 3, Appellant argues that prior art fails to disclose the elements of claim 3 because claim 3 depends on claim 1.

The Examiner respectfully disagrees and accordingly maintains the rejection of claim 3. Jacobs in view of Eyal and Call does not teach, but Gabriel teaches reorganizing said plurality of fields in reverse order. For example, Gabriel discloses a ranking and selection process that could be reversed (col 6, lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs in view of Eyal and Call to include reverse the ranking process as taught by Gabriel, providing the benefit of indexing network information with searches for files of information relevant to people and resources using weighted links (Gabriel, Abstract section).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM L. BASHORE whose telephone number is (571)272-4088. The examiner can normally be reached on 9:00 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WILLIAM L. BASHORE/
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